

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GLUCO PERFECT, LLC, U.S. HEALTH & HOME	:
CARE, INC., and JOY MERNONE, Individually and in	:
her capacity as Executor of the Estate of Kevin R.	:
Mernone, and derivatively on behalf of PERFECT CARE,	: Index No.:
INC.,	:
	:
Plaintiffs,	:
	:
- against -	:
PERFECT GLUCO PRODUCTS, LLC, USHH	:
PRODUCTS, INC., FRANCINE FREIMAN, WILLIAM	:
J. GILLEN, ANDRE RAMNAUTH and JOHN AND	:
JANE DOES 1 THROUGH 10,	:
	:
Defendants.	:
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**CERTIFICATION OF  
STEPHEN T. HEISER IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR A  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

I, Stephen T. Heiser, am an attorney for Plaintiffs Gluco Perfect, LLC, U.S. Health & Home Care, Inc., and Joy Mernone, Individually and in her capacity as Executor of the Estate of Kevin Mernone, and derivatively on behalf of Plaintiff Perfect Care, Inc. in the above-entitled action. In support of Plaintiffs' *ex parte* motion for a temporary restraining order and preliminary injunction, pursuant to Federal Rule of Civil Procedure 65 (b) and (a) I hereby certify as follows:

Notice has not been provided to Defendants Perfect Gluco Products, LLC, USHH Products, Inc., Francine Freiman, William J. Gillen, and Andre Ramnauth of the accompanying motion because, among other things:

- a. Although the Individual Defendants have no lawful property or ownership interests in Plaintiffs Gluco Perfect, LLC, and U.S. Health & Home Care, Inc. and

Perfect Care, Inc., Defendants have complete and unfettered access to Plaintiffs' assets, including their money, inventory, and corporate books and records;

b. Defendants have completely deprived Plaintiff Joy Mernone of access to Plaintiffs' money, inventory, and corporate books and records, despite her repeated requests;

c. As stated in the accompanying Complaint and affidavits, since 2012, Defendants have engaged in a continuing, systematic and, until recently, clandestine scheme to transfer and steal for themselves all of the money, inventory, customers and other assets of the Plaintiff companies. Indeed, the Individual Defendants have already successfully diverted millions of dollars in cash and trademarked inventory, among other things;

d. As such, Plaintiff Joy Mernone fears that any advance notice to Defendants would likely trigger the immediate destruction, dissipation and/or alteration of the Plaintiffs' assets, including their money, inventory, and corporate books and records;

e. Indeed, only yesterday, Plaintiff Joy Mernone sent by Federal Express a notice of termination upon Defendant Francine Freiman. (A true and correct copy of the Letter to Francine Freiman is attached hereto as Exhibit A). Plaintiff waited to send that letter until this motion could be heard, for the same reason notice has not been given – a substantiated fear that Defendants will destroy or take the remainder of their assets upon notice.

f. Moreover, there will be no recourse against Defendants once Plaintiffs business interests, inventory, and other assets have been fully depleted and finally

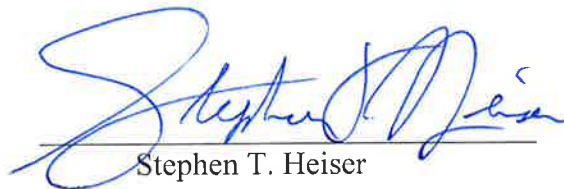
destroyed. Nor will Plaintiffs have the ability to recover quantifiable money damages from Defendants because their acts have the effect of stealing and destroying Plaintiffs' businesses and hard-earned goodwill.

The grounds for this emergency request for a temporary restraining order and preliminary injunctive relief are as follows:

- a. trade name and trademark infringement, unfair competition and misappropriation in violation of the Lanham Act and New York common law;
- b. use of name with intent to deceive in violation of N.Y. GBL § 133;
- c. breach of fiduciary duty;
- d. breach of the faithless servant doctrine; and
- e. conversion

No prior application for this or similar relief has been made by Plaintiffs.

Dated: New York, New York  
March 13, 2014



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